

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of : Hoelz, H. et al ) Art Unit: 3761  
U.S. Appln. No. : To Be Accorded ) Examiner: M. B. Patel  
Confirmation No. : To Be Accorded  
U.S. Filing Date : 05/20/2004  
Title of Invention : Stainless Steel Canister for Propellant-Driven Metering Aerosols  
Attny. Docket No. : 1/1089-1-C1

Mail Stop Patent Application  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

May 20, 2004

**TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents listed herein and on the attached PTO-1449 form and which the Examiner may deem relevant to patentability of the claims of the above-identified application. Copies of the citations listed on the PTO-1449 form are filed in US Application No. 09/580,246, filed on May 26, 2000, Hoelz, H. et al (Attorney Docket No. 1/1089).

☒ 1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 33 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

☐ 1.97(c). This Statement is being filed after the time period specified in 37 C.F.R. §1.97(b), but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a notice of allowance under 37 C.F.R. §1.311, or iii) an action that otherwise closes prosecution in the application. This Statement is being accompanied by:

☐ A statement as specified in 37 C.F.R. §1.97(e) [see below]; or

☐ The fee set forth in 37 C.F.R. §1.17(p).

☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.97(d). This Statement is being filed after the period specified in 37 C.F.R. §1.97(c) but on or before payment of the issue fee. This Statement is accompanied by a statement as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R. §1.17(p).

☐ 1.97(e).

☐ Each item of information contained in the instant information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the instant information disclosure statement; or

☐ No item of information contained in the instant information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the instant information disclosure statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three (3) months prior to the filing of the instant information disclosure statement.

☐ The fee set forth in 37 C.F.R. §1.17(p).

☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.704(d). Each item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, which communication was not received by any individual designated in section 1.56(c) more than thirty (30) days prior to the filing of the accompanying information disclosure statement.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

Triplicate copies of this form are enclosed.

Respectfully submitted,



Philip I. Datlow  
Attorney for Applicant(s)  
Reg. No. 41,482

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Date: May 20, 2004

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STATEMENT BY APPLICANT**

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**Complete if Known**

Application Number	To Be Accorded
Filing Date	10/27/2003
First Named Inventor	Hubert HOELZ
Art Unit	3761
Examiner Name	M. B. Patel
Attorney Docket Number	1/1089-1-C1

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 6,254,698	07/2001	Koo, et al	
		US- 6,196,276	03/2001	DeLaforcade, V.	
		US- 6,085,528	07/2000	Woodall, et al	
		US- 6,080,497	06/2000	Carey, et al	
		US- 6,066,212	05/2000	Koo, et al	
		US- 6,036,917	03/2000	Sorace, et al	
		US- 6,014,970	01/2000	Ivri, et al	
		US- 6,004,408	12/1999	Montagnon, J.	
		US- 4,988,017	01/1991	Schrader, et al	
		US- 4,867,352	09/1989	Meshberg	
		US- 4,822,556	04/1989	Cordea, et al	
		US- 3,912,503	10/1975	Schumacher, et al	
		US- 3,770,426	11/1973	Kloske, et al	
		US- 3,645,725	02/1972	Denhard, et al	
		US- 4,944,433	07/31/1990	Knecht, et al	
		US- 3,837,846	09/1974	Becker, et al	
		US- 5,513,767	05/1996	Daehn, R. C.	
		US- 5,494,636	02/27/1996	Dupoiron, F. et al	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		WO 00/30607 A1	06/02/2000	Chiesi Farmaceutici		
		WO 00/30608 A1	06/02/2000	Chiesi Farmaceutici		
		EP 0 726 864 B1	03/03/1999	Glaxo Wellcome		
		DE 37 36 579 C2	05/23/1991	Mannesmann AG		
		DE 195 04 502 A1	08/14/1996	Henkel KGaA		

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		Number-Kind Code <sup>2</sup> (if known)			
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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		DE 41 12 303 A1	10/22/1992	Minn. Mining & Mfg.		
		JP 2-195543	08/02/1990	Sumitomo Metal		
		HU 197049 A	12/05/1990	Dunai Vasmue		
		WO 00/73170 A1	12/07/2000	Boehringer Ingelheim Pharma KG		

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<b>Art Unit</b>	3761
<b>Examiner Name</b>	M. B. Patel
<b>Attorney Docket Number</b>	1/1089-1-C1

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Chemical Abstract No. 96:56198	
		Chemical Abstract No. 125:204146	
		WPIDS 12989-179042	
		WPIDS: 1990-278623 for JP 2-195543	
		Chemical Abstract: 118:27481 for DE 41 12 303	
		Patent Abstracts of Japan; Vol. 014, No. 484 (P-1120), 10/22/1990, for JP 2-195543	
		LEWIS, D. ET AL; "Pressurized Metered Dose Inhalers (MDI)"; US 2003/0066525 A1; 04/10/2003	
		LEWIS, D. ET AL; "Pressurized Metered Dose Inhalers (MDI)"; US Pub. No. 2003/0089369 A1; 05/15/2003	

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